

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EUCLIDES SOTO, LOUIS A. MARTINEZ,
JOSE RAMIREZ, CLEMENTE HERNANDEZ,
CESAR PIZARO, ELISON PENA,
JUAN COLON, JOSE ORTIZ, RAFAEL TORRES,
ANGEL BAEZ, ANTONIO MARTINEZ,
WILFREDO ORTIZ, EULOGIO ORTIZ,
MIRRAIN MIRANDA, RAFAEL MORENO,
NELSON ACEVEDO, and
RAMON RODRIQUEZ,

Plaintiffs,

v.

SHERMAN-FEINBERG CORPORATION,
FARNSWORTH FIBRE CORPORATION,
UNITED STEELWORKERS OF AMERICA,
LOCAL 421-U, and UNITED STEELWORKERS
OF AMERICA,

Defendants.

Civil Action No.
04-10892-JLT

UNION DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY BRIEF

Pursuant to Local Rule 7.1(B)(3), Defendants United Steelworkers of America, Local Union 421-U, and United Steelworkers of America, AFL-CIO/CLC, seek leave to file a reply to Plaintiffs' Opposition to Union Defendants' Motion to Strike Plaintiffs' Motion to Attach Assets. In support of this motion, the Union states that Plaintiffs' opposition to the motion to strike mischaracterizes Plaintiffs' affidavit in support of an earlier motion as one filed in support of Plaintiffs' motion to attach and that even if Plaintiffs' affidavit had been filed in support of the motion to attach, it would still be procedurally insufficient because it was prepared by Plaintiffs' attorney and does not set forth "specific facts sufficient to warrant the required findings' based upon the affiant's

own knowledge, information or belief.” See Tunnicliff v. Motel 6, OLP, 178 F.R.D. 8, 10 (D. Mass. 1998) (citing Mass. R. Civ. P. 4.1(c) & (h)).

Given the clear requirements set forth in Mass. R. Civ. P. 4.1, which Plaintiffs failed to cite in their motion to attach and have wholly ignored, the Union filed a motion to strike Plaintiffs’ motion to attach as procedurally insufficient. Since Plaintiffs have filed a misleading and largely irrelevant opposition to the Union’s motion to strike, the Union requests the opportunity to file a brief reply setting forth case law establishing that Plaintiffs’ arguments and purported affidavit do not support their motion to attach and that the Union’s motion to strike should therefore be granted.

WHEREFORE, the Union respectfully requests leave to file the accompanying Reply to Plaintiffs’ Opposition to Defendants’ Motion to Strike Plaintiffs’ Motion to Attach.

Respectfully submitted,

Dated: February 23, 2006

s/Harold L. Lichten
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Alfred Gordon, BBO # 630456
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& Liss-Riordan, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served by first class mail on the attorney of record for each party on February 23, 2006.

s/Harold L. Lichten
Harold L. Lichten